

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAVIER MARTINEZ,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
V.	§	CASE NO. 4:12cv427
	§	Judge Clark/Judge Mazzant
CITIMORTGAGE, INC.,	§	
	§	
<i>Defendant.</i>	§	

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 3, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss [Doc. #6] be granted and the case dismissed with prejudice. On October 5, 2012, plaintiff filed Plaintiff's Notice of Dismissal of Complaint [Doc. #8], requesting that the court accept the notice of voluntary dismissal and dismiss this case without prejudice. Defendant filed an Opposition to Plaintiff's Notice of Dismissal of Complaint [Doc. #10] on October 24, 2012.

The court, having made a *de novo* review of plaintiff's notice of dismissal and defendant's response thereto, is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss [Doc. #6] is GRANTED, and all claims are DISMISSED with prejudice.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So **ORDERED** and **SIGNED** this **11** day of **November, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge